

CITY OF ANGELS
CITY COUNCIL
MINUTES

Tuesday, October 19, 2010

Council Members Present: Jack Lynch (Mayor), Jack Boeding, (Vice Mayor), Elaine Morris and Craig Turco
Council Members Absent: Rick Downey
Staff Present: Richard Matranga, Todd Fordahl, Melisa Ralston, David Hanham and Mary Kelly

5:00 p.m. CALL TO ORDER

ADJOURN TO CLOSED SESSIONS:

CLOSED SESSIONS:

1. CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to California Government Code Section 54957.6: Fire MOU, Non-Exempt MOU and Exempt MOU – City Labor Negotiators – Council Member Turco and Mayor Lynch
2. EMPLOYEE EVALUATION: City Engineer
Pursuant to Government Code Section 54957 Public Employee Performance Evaluation
3. ANTICIPATED LITIGATION: SIGNIFICANT EXPOSURE TO LITIGATION
PURSUANT TO SUBDIVISION (b) OF SECTION 54956.9 (THREE POTENTIAL CASES)

RECONVENE

6:00 p.m. REGULAR MEETING

ACTION TAKEN IN CLOSED SESSION

1. CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to California Government Code Section 54957.6: Fire MOU, Non-Exempt MOU and Exempt MOU – City Labor Negotiators – Council Member Turco and Mayor Lynch
The Mayor reported there has been a tentative agreement with fire employees.
Direction: Direction given to negotiators regarding non-exempt and exempt employees.
2. EMPLOYEE EVALUATION: City Engineer
Pursuant to Government Code Section 54957 Public Employee Performance Evaluation
Direction: Continued
3. ANTICIPATED LITIGATION: SIGNIFICANT EXPOSURE TO LITIGATION
PURSUANT TO SUBDIVISION (b) OF SECTION 54956.9 (THREE POTENTIAL CASES)
Direction: Settlement accepted for 1 case. No action on other 2 cases at this time.

APPROVAL OF AGENDA

Planning Director Hanham asked that agenda item # 4 “ADOPT RESOLUTION NO. 10-26: SIDEWALK WAIVER FOR CAL-FIRE” be continued as he has not received any additional estimates yet. The Council agreed to his request.

STAFF UPDATES

Gary Ghio – City Engineer

- Reviewed his reported included in the packet.

Mary Kelly – City Clerk

- Reported there will be a free yard waste pickup on November 9th.
- She will be attending the RMA quarterly meeting on October 27 and 28th.

Melisa Ralston – Finance Officer

- Audit is completed. Auditors will present to Council in November. The Springbrook software should be up live in January 2011 and working fully by March. Council Member Turco suggested providing residents with information on the new software and how it will affect their billing.

Todd Fordahl – Interim Police Chief

- Dispatch Agreement is moving forward. Due to the delay from the County in getting the agreement approved, Council directed Todd to ask the County if the City could pay the lower monthly cost.

Dave Hanham – Planning Director

- Reviewed staff report included in packet

COUNCIL UPDATES

Council Member Morris

Attended LAFCO where there was a presentation on the Municipal Service Review of water/wastewater. A draft will be provided in November and a public hearing in December.

Council Member Turco

- Attended ongoing MOU meetings

Council Member Boeding

- Attended LAFCO

Mayor Lynch

- Attended CSPC, ongoing MOU discussion, a special UPA meeting. Spoke to the California Transportation Commission meeting held by the CCOG at Ironstone.

PUBLIC COMMENT

Robyn Dobel – Finnegan Lane

Reported on her concerns with the foul odor on Finnegan Lane. She has voiced her concerns other times and reminded Council the citizens are breathing raw sewage. This is a health hazard. She stated she was told that the quickest and best way to get something done about the problem is to hire a lawyer and sue the City. The City is breaking its own ordinance regarding this health issue and she asked what can be done without resorting to hiring attorneys. She said there is talk of a \$6 million dollar reserve – why not use that to fix the problem. Mayor Lynch suggested Robyn attend the Infrastructure/Facilities meetings each month. An update on what is being done to restrict the odor and discussion on how to fund a possible siphon alignment project to eliminate the odor completely is an ongoing item at the Infrastructure meeting.

CONSENT AGENDA

MOTION by Council Member Turco seconded by Council Member Morris and carried 4-0 ADOPTING THE CONSENT AGENDA AS PRESENTED:

- a. Minutes of Regular meeting –October 5, 2010

REGULAR AGENDA

1. ADOPT RESOLUTION NO. 10-30: ACCEPTING WORK ON THE STOCKTON ROAD OVERLAY PROJECT

MOTION by Council Member Boeding, seconded by Council Member Morris and carried 4-0 ADOPTING RESOLUTION NO. 10-30. A RESOLUTION ACCEPTING WORK DONE ON THE STOCKTON ROAD OVERLAY PROJECT

2. BELT FILTER PRESS PURCHASE

MOTION by Council Member Boeding, seconded by Council Member Morris and carried 4-0 APPROVING THE PURCHASE OF BELT FILTER PRESS AND COSTS ASSOCIATED WITH THE PURCHASE UPON CONDITION THAT FILTER PRESS IS EXAMINED BY MANUFACTURER REPRESENTATIVE AND CITY STAFF AND FOUND TO BE IN GOOD QUALITY. COUNCIL DIRECTED STAFF TO RESEARCH POSSIBILITY OF OBTAINING A WARRANTY FOR THE FILTER PRESS IF PURCHASED.

3. PUBLIC HEARING: ADOPT ORDINANCE #448

Public Hearing Opened at 7:15p.m.

Planning Director read an email (Attachment 'A') received from Fred Katz, FHK Companies with revision proposals to Sections 17.30.070(F-2) and 17.30.070(F-5) of the proposed ordinance.

Steve Difu asked for clarification of the square footage and if 80,000 square feet was feasible for a developer.

Planning Chair Gary Croletto explained how the Planning Commission arrived at the 80,000 sq. ft. size. He reminded everyone that the developer chooses the City, the City does not choose the developer. The Planning Commission received a tremendous amount of help from business owner Bob Middleton when drafting this ordinance.

Public Hearing was closed at 7:35p.m.

Mayor Lynch stated that the county and the City have unrestricted guidelines for large format retail stores. Council Member Turco stated that the intent is to restrict large retailers from Angels Camp. He voiced his concerns for the existing merchants, stating they are an important consideration when developing this ordinance. Council Member Boeding stated he would like to see the rest of the County come to Angels Camp to shop. This would help the City. He supports Mr. Katz's request. Both Mayor Lynch and Council Member Morris agreed with the square footage of 80,000.

MOTION by Council Member Morris, seconded by Mayor Lynch ADOPTING ORDINANCE NO. 448. AN ORDINANCE AMENDING TITLE 17, ZONING; CHAPTER 17.30, SUBURBAN COMMERCIAL ZONE DISTRICT OF THE CITY OF ANGELS' MUNICIPAL CODE.

A roll call was taken: Lynch [YES], Morris {YES}, Turco {NO} Boeding {NO}.
MOTION DID NOT CARRY DUE TO LACK OF MAJORITY

The Council discussed bringing the item back to Council for reconsideration after Council Members Turco and Boeding explained the reasons regarding their ‘nay’ votes. The City Attorney explained that the Council needs to review reconsideration procedures outlined in the City Council handbook. If item is brought back for reconsideration, Council would need to direct staff to begin the Ordinance process again, beginning with drafting revisions at the Planning Commission level.

Direction: City Attorney to provide guidance to Council regarding reconsideration procedures.

5. NOVEMBER 2, 2010 COUNCIL MEETING

MOTION by Mayor Lynch, seconded by Council Member Turco and carried 4-0 DIRECTING STAFF TO RESCHEDULE THE NOVEMBER 2, 2010 COUNCIL MEETING TO A SPECIAL TIME OF 8:30 A.M. DUE TO THE GENERAL ELECTION

MEETING ADJOURNED AT 8:00 P.M.

ATTEST:

Jack Lynch
Mayor

Mary Kelly
City Clerk